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MRS. FLEMING SITS IN COURT AS IN A THEATRE STALL.

Chats with Unconcerned Demeanor with Her Half Sister While the Story Is Told of Poison Found in Her Mother's Body.

Coroner's Physician O'Hanlon Testifies the Presence of a Deadly Substance in Mrs. Bliss's Stomach Was Revealed by the Autopsy.

LEARNED LAWYERS WRANGLE OVER A MISSING PIECE OF PIE.

Colonel Fellows Takes a Hand in the Legal Battle—Not So Much Acerbity Displayed by Mr. Brooke—Coroner's Clerk Malone Tells of the Disposition of Material Subjected to Analysis—Missing Witnesses.

By Edgar Saltus.

It was the weather, the tedium of the last proceedings, subsiding interest, all three, perhaps, which yesterday morning gave the Court of General Sessions a semi-vacant air. The Recorder was on the bench before the jury assembled. It was several minutes later that Mrs. Fleming and her sister arrived, and when the examination of Dr. O'Hanlon was resumed, what he said and what he didn't, no one seemed to know or care.

In lieu of the splendid clash and clatter with which the previous proceedings had begun there was at first a spiritless dialogue between the witness and Dr. O'Sullivan, to which the official stenographer lent an occasional hand. Now and then Mr. Brooke complained that he could not hear, and now and again he objected to something that was said, but there was none of the old animus in his voice, none of the ringing notes, none of the old stentorian tones, none of the ferocity and passion of the day before, and presently when something which Dr. O'Sullivan said drew an answer from him, had the two swordsmen been flitted by the same woman, they could not have appeared on better terms.

A Question of Poisons.

It was but the tuning up though, for the concert and fiasco which were to follow. Meanwhile the examination dragged. Dr. O'Hanlon, who the day before had testified regarding the autopsy held on the body of Mrs. Bliss, yesterday began by describing the condition in which he found her stomach and kidneys. The stomach, he said, was red and inflamed, while the kidneys showed evidence of nephritis.

"To what," asked Dr. O'Sullivan, "did you, from that examination, ascribe the cause of her death?"

"To acute gastritis, superinduced by a poison, probably arsenic," the witness answered.

Mr. Brooke rose in a leisurely fashion from his seat, and with a hand held to his head he moved that the word "arsenic" be stricken out.

"Very good," interjected the witness, "irritant poison, then."

"And I object," continued Mr. Brooke, "to this gentleman stating by what he considered the gastritis was superinduced. It is but a surmise on his part, and as such inadmissible."

"Your objection is sustained, Mr. Brooke," said the Recorder, in his indulgent voice, whereat Dr. O'Sullivan smiled as a man who has other cards up his sleeve.

Knows His Business.

As a witness, Dr. O'Hanlon is an improvement on his predecessor, Dr. Bullman. No one who looked at the latter could mistake him for anything else than a physician; suburban practitioner was written all over him. Dr. O'Hanlon is a brief, good looking individual, whom you might fancy to be a broker, a merchant, or a man about town. He expressed himself very clearly, with entire courtesy always, but with the manifest determination not to have words put in his mouth and not to be induced to say what he did not intend. His conversation he addressed occasionally to the Recorder, occasionally to the stenographer, but as a rule it was to the jury that he talked, a compliment which the twelve gentlemen in the pen replied by according to him their fullest attention. The early stages of his examination developed little of interest. In the main it was to the effect that the condition of Mrs. Bliss showed the presence of an irritant poison.

But when Mr. Brooke took him in hand interest increased. From certain questions asked it is not extravagant to assume that the defence may show, or attempt to, that had the autopsy gone deeper arsenic would have been discovered not alone in the stomach of the deceased, but in her bones. In which case it will be for the jury to determine—provided always they are called upon to determine anything—what arsenic is, to discriminate between arsenic as the word is used scientifically and arsenic as it is known to the layman. To the latter it is the deadliest of poisons. To the toxicologist it is a mild poison at all and only becomes the constituent of a poison when chemically united to other things.

As Though at the Play.

The question, then, should it arise, will be: Was that union legal or was it not? But to return to court. During the not altogether inspiring conversation on the subject of Mrs. Bliss's stomach and its contents, Mrs. Fleming and her pretty sister listened and interchanged comments, much as if they were discussing from orchestra stalls the changing situations of a play. There is not the slightest reason why they should have shared an attack of hysteria, but between one extreme and another there is a hunting ground called the happy medium, which, on this occasion, at least, was, if sought by them, not successfully found.

For that reason, however, blame would be as stupid as blame usually is. It is impossible to imagine that either of them is very happy, and such pleasure as they can take in anything at all may readily pass unregarded.

In the cross-examination of Dr. O'Hanlon Mr. Brooke's first step was to bring out the fact that at the autopsy no microscope was used. His second step consisted in making the witness acknowledge that certain irritant poisons could be produced by

putrefaction. His third step was to cause the witness to admit that he did not decide that Mrs. Bliss had died of poison until after he had had a conversation with Dr. Bullman.

The effect of the latter admission was rather militated by Dr. O'Sullivan, to whom the witness stated that, without consulting any one, he would have known by the appearance of the stomach that death was caused by an irritant poison.

Put in a Decanter.

"To whom did you deliver the contents of the stomach?" Mr. Brooke asked, when he got the chance.

"To the Coroner, Dr. O'Meagher."

"Is he alive or dead?"

"He has died since," the witness answered.

"Did you put the contents of the stomach in different receptacles, and, if so, where did you get them?"

"I got them in Mrs. Bliss's flat. I washed them out thoroughly before I used them."

"Now, can you," asked Mr. Brooke, "recollect the character of the vessels?"

The witness replied that he put the contents in an old-fashioned decanter, and the stomach was placed in a cologne bottle. At the time there was still some fluid in the stomach, because, as he expressed it, he had not "squeezed it all out." He then took the two vessels away, and locked them up in a desk in his office. "They were sealed," he added.

"By whom?" asked Mr. Brooke.

"By Mr. Malone, the Coroner's clerk."

"Were you there when they were sealed?"

"I was not."

"Then," said Mr. Brooke, "I move to strike that out."

The motion was granted, and presently it was elicited that Dr. O'Hanlon only knew from hearsay that the vessels were sealed.

"Did you seal these receptacles at any time?" asked Mr. Brooke.

"No," answered the witness. "I did not put any mark on them for identification; but I wrote on a card, 'Contents of Mrs. Bliss's stomach,' and on another card, 'Mrs. Bliss's stomach.' These I fastened around the receptacles with a piece of string."

The witness then described the bottle and decanter, saying that the latter was of octagon shape. He added that both were delivered to Mr. Malone the day after the inquest.

Dr. O'Sullivan Again.

"You used the term 'irritant poison' as associated with your conclusions of the cause of death," said Mr. Brooke. "Is it not a fact that your opinion that death was due to a mineral poison—to arsenic, as you mention it—depended upon what you were informed was the result of a chemical analysis?"

"Yes, absolutely. But," the witness added, "I should like to extend my answer. While my knowledge of that was absolutely due to the analysis, my knowledge of the autopsy had furnished the cause of death."

"Wait a moment!" said Mr. Brooke. "Do you mean to say to this jury that you could positively state there was an irritant poison, unless you were informed of the result of the analysis?"

"No, sir," answered the witness.

"That's all," said Mr. Brooke, and Dr. O'Sullivan asked:

"You mean to say that appearances indicated an irritant poison, but that you could not classify it?"

"Neither I nor anybody else could do that," the witness replied, and left the stand.

In the brief examination of a clerk in the District-Attorney's office who succeeded Dr. O'Hanlon, Dr. O'Sullivan, as prosecuting attorney, was replaced by Mr. McIntyre.

This gentleman's method of conducting a trial differs from that of his associates. Mr. Miller, for instance, you might take for a clergyman putting a parishioner through the catechism, and Dr. O'Sullivan for one of Charles Lever's dashing, high-handed dragons ordering pistols and coffee for two. But Mr. McIntyre is the officer of the people, unimpassioned, cool, calm and dignified. Whatever he says or does shows that he is in court in performance of a duty, nothing more, nothing less. He has another characteristic, or, rather, another gift. He uses the right word in the right place. When interrupted he folds his arms and waits. He has the face of a cherub and the gulf of a fox.

Fellows Takes a Hand.

These three gentlemen were yesterday momentarily supplemented by Colonel Fellows. As he entered court Mr. Brooke gave him a look of weary amusement. Thus far against his three opponents the latter has conducted the defence single-handed. During Colonel Fellows's visit it was a case of four to one.

Mr. Brooke at the time was making an objection. Presently Colonel Fellows opposed it. As he spoke he shook his finger, and if you will recall Punch seating the policeman from where you sit you can see the District-Attorney expostulating with the Court.

Meanwhile the clerk already mentioned had been withdrawn by the prosecution, and another—Mr. Malone—took his place. This witness testified that he received from Dr. O'Hanlon the vessels containing the stomach and its contents, and subsequently

carried both to Dr. Walter T. Scheele, at No. 53 Whitehall street, who took only half the stomach, returning the other half to Malone, which he returned to the desk used by Coroner O'Meagher. Scheele received the vessels in his laboratory.

"Now," said Mr. McIntyre, "did you also receive a pitcher?"

"I did," the witness answered, "from Mr. Coffey, the record clerk in the Coroner's office."

"What did you do with the pitcher?" This brought on the first real legal fight of the day. Mr. Brooke demanded that all reference to the pitcher be stricken out. He was overruled. An exception was taken. Malone said he examined the pitcher. It was partly broken, and would hold about a pint. Inside at the bottom was a whitish sediment.

"Did you receive anything else?" Mr. McIntyre asked.

"One moment," exclaimed Mr. Brooke. "Unless they can prove that these articles had something to do with the articles described by Dr. Bullman, I object."

"Overruled," said the Recorder.

"But Your Honor will see," said Mr. Brooke, "there is an extraordinary discrepancy between the testimony of this gentleman and that of Dr. Bullman. He has already described the vessels, but he goes further. He says he received a broken pitcher of the capacity of a pint. Dr. Bullman spoke of a pitcher that was whole and held two quarts. And I therefore insist Your Honor's ruling should be invoked against the prosecution. Where is the pitcher left by O'Hanlon with Dr. O'Meagher, and where has it been since he left Dr. O'Hanlon's possession? The theory of the prosecution is that this is the pitcher that was taken to Mrs. Bliss previous to her death. We have to deal with a pitcher described by Mrs. Phillips and Dr. Bullman. This may be one of a totally different character."

Mr. Brooke was overruled, and Mr. Malone, in answer to another question, said: "On September 2, 1895, I took the pitcher with the sediment in the bottom to Dr. Scheele and left it with him."

"From whom did you get this pitcher?" Mr. McIntyre asked.

"From Mr. Coffey."

Mr. Brooke here demanded that all this later testimony about the pitcher be taken

from the record, and it was done. Only a description of the pitcher was left.

Then Mr. McIntyre asked if Malone had not received something else, and the legal fight was renewed. Finally McIntyre said that Dr. Bullman had testified to delivering a bottle and he wanted to show that some of the vomit was contained in it.

"Hold on!" interjected Mr. Brooke. "Dr. Bullman testified that he took the vomit from under the bed, poured it into a tumbler and took it to Dr. O'Meagher. There was nothing said about a bottle."

Till Over a Pie.

To enforce his point, Mr. Brooke read from the stenographer's notes of Bullman's testimony. Mr. McIntyre sent a messenger for Dr. Bullman, and Malone went on to say that he received a package from Dr. O'Meagher on August 31, 1895.

"What kind of a package was it?"

"A triangular package about seven inches at the base of the triangle."

"What did you do with it?"

"I took it to Dr. Scheele."

"Was it marked?"

"Yes; I marked it."

"There's no mention of this in previous testimony," defendant's counsel urged.

"That is also my recollection," the Recorder added.

"Your Honor, on reflection, will remember," said Mr. McIntyre, "that Bullman testified that he gave a package to Coroner O'Meagher."

"Mr. Brooke said: 'There's no such testimony. You are following Dr. O'Sullivan's example of trying to get in indirectly that which should come in directly.'"

It was at this point that Colonel Fellows shook his finger. "It seems to me," he said, "that we ought to be permitted to go into an examination of this matter. Your Honor permitted the witness to say he received the package, and we want to show that it was marked before it goes before the jury. We want to show its relation, and to do that we must identify the package."

"The question is now whether this is the identical package. We have no evidence to show that," the Recorder answered.

"We shall produce evidence to show that it was received and marked," said Mr. McIntyre.

"You may show that a package was received, but you must show that it was this

A STUDY IN BLACK.



MRS. ALICE ALMONT FLEMING AS SHE WALKED INTO COURT.

package," the Recorder ruled. Thereat Mr. McIntyre, Mr. Brooke and the Recorder discussed the point for twenty minutes, and finally Malone was permitted to state that he wrote something on a piece of paper and put that on the package.

"What was the size of the package?" he was asked.

"It was about half the size of an ordinary pie."

"I move to strike that out," said Mr. Brooke.

He was overruled.

"Well," he went on, "Dr. Bullman has never testified as to the delivery of such a package, and there is no description of it in any testimony of any witness."

Then he read from the minutes that Dr. Bullman took some things from Mrs. Bliss's flat, a piece of pie that he described, and that he gave the pie and medicine to the undertaker, and that the latter took the medicine and pie with him. All the evidence, therefore, should be thrown out.

Witnesses Absent.

Mr. McIntyre had admitted that the package contained part of a pie, which, it was supposed, had been sent to Mrs. Bliss, the other part of which she had eaten. He wanted the marks and description to show that it came from the St. Nicholas avenue flat.

"I will not pass upon this question now," said the Recorder. "I will also reserve my cross-examination," replied Mr. Brooke.

None the less did Mr. McIntyre continue to argue, and in reply Mr. Brooke made the one great point in the case. He said that the death of Coroner O'Meagher removed any possible proof that the pie which was found in Mrs. Bliss's rooms was contained in the package described by the witness.

And if the pie why not the chowder? Why not everything else? This the prosecution appeared to realize, and with it the fact that if they failed to show that the pie and chowder taken from Mrs. Bliss's rooms was the same pie and the same chowder which entered the laboratory of the chemist their case might fail.

As a consequence the argument continued. Mr. McIntyre would ask a question, Mr. Brooke would object. Time and again was the objection overruled, but always was an exception taken.

Finally at 12:30, when recess was announced, the objections and exceptions strewn through the minutes must have been thick as leaves in Valhalla.

Later, when the Recorder reappeared on the bench, Mr. McIntyre stated that two witnesses for the prosecution were not on hand, and the court adjourned until this morning.

FINANCE VERSUS CANDY.

Savings Banks to Be Set Up as Rival Attractions to Lollipop Shops for School Children.

Public school savings banks, independent of the Board of Education, are being organized.

E. H. Boyer, principal of Grammar School No. 87, at the corner of Amsterdam avenue and Seventy-seventh street, is at the head of the scheme. He says that influential financiers are interested in it, and that it is bound to be successful.

Mr. Boyer said yesterday: "There is not a savings bank on the west side from Forty-second street to 125th street, and to deposit ten cents one would have to spend ten cents in car fare. We propose to have a desk in a shop near every school—in the bakers' shop opposite for example. There will be a clerk in attendance from 8 to 9 o'clock in the morning, and from 3 to 4 o'clock in the afternoon. He will keep the books of the depositors of the school to which he is attached, and report totals to headquarters. Every office will be under the supervision of the Banking Department."

"Will the scheme pay for clerk hire?"

Mr. Boyer was asked.

"Surely," he replied. "I have calculated that the 1700 students of this school spend altogether in frivolities from \$50 to \$60 every day. They do this simply because they do not know what to do with their money. Our savings banks will teach them to be economical, and teaching them to be economical is only a phase of instruction in self-government, and self-government is the inspiration of Americanism."

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FIREMAN RISKS HIS LIFE FOR ANOTHER.

Mrs. Coles Dares Death at the Same Blaze, and Rescues Her Jewels.

William Clark, the Hero, Escapes Uninjured, but the Woman Is Terribly Burned.

POLICEMAN CARTIN'S STRONG ARM.

Rescuer Passes Schuntz's Inanimate Body Out of One Window and the Officer by Superb Strength Draws It in Another.

At a morning fire in a house at No. 217 East Thirty-fourth street, yesterday, a woman risked her life to save her jewels and a fireman risked his life to save that of a fellow man.

The woman received terrible burns and the fireman escaped uninjured. Policeman Cartin assisted in the rescue of the man.

William Clark, of Hook and Ladder Company No. 16, was off duty and on a south bound Third avenue cable car at Thirty-fourth street, when he heard some one shout, "Fire!"

He jumped from the car, turned in an alarm and then ran to the burning building. The house was a four story and basement residence, and smoke was pouring from all of its windows. Clark saw a man appear at a third story window and fall backward. He then ran into the house at No. 219 and up to its third story, Policeman George Cartin following him.

The crowd below saw Clark make the perilous climb from the window of No. 219 to the corresponding one of No. 217 and disappear. Then when he again came to the window bearing the inanimate body of a man the crowd gave a great cheer. Silence followed while the fireman and policeman struggled to pass the body from one window to the other.

Clark supported himself by the window frame, standing on the window cap below, and reached the man to the policeman, who clung also to the window frame, with one foot on the cap on his side. Cartin grasped the man firmly with his left arm and with a mighty effort drew him into the window of No. 219. The rescued man was Meyer Schuntz, a jeweller. He soon revived.

The house was occupied by Mr. and Mrs. Charles Coles, who take boarders. Mrs. Coles was at breakfast when a servant discovered the fire, which started in a clothes closet on the second floor. Mrs. Coles ran up the stairs to her room, where she seized her jewel casket, and started to retreat. On her way down she was caught by the flames and so severely burned about her head and arms that she staggered out of the front door and fell exhausted into the arms of a fireman, with her jewel casket clutched tightly under her arm. She was assisted to the Polytechnic Hospital, across the street. She will recover.

HIS MUSIC DIDN'T SAVE HIM.

Negro Convicted in Elizabeth of Stealing Two Hundred Pennies.

Elizabeth, May 28.—William Sharp, colored, entered the Elizabethport station of the Central Railroad a few nights ago, broke open a weighing machine and stole the contents, 200 pennies. At his trial yesterday three pieces of iron pipe were shown by the prosecution as proof of his burglarious intention.

Sharp said they were musical instruments, at which the court smiled. "Can you play on them?" asked his lawyer, W. D. Wolfkell. "If you can, do so."

With an apprehensive glance at the jail warden, Sharp picked up the pipes and played a reel. But the negro's sweet melody availed him not. He was convicted.



DARING RESCUE OF AN UNCONSCIOUS MAN BY A FIREMAN AND POLICEMAN.